

June 7 2010

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CLERK OF THE SUPREME COURT
STATE OF MONTANA

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FILED

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CLERK OF THE SUPREME COURT
STATE OF MONTANA

Office of Disciplinary Counsel

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. _____

IN THE MATTER OF MARVIN E.)	ODC File No. 10-124
ALBACK,)	
)	PETITION FOR
An Attorney at Law,)	DETERMINATION
)	REGARDING LAWYER
Respondent.)	CONVICTED OF A
)	CRIMINAL OFFENSE
)	
)	

Pursuant to Rule 23B of the Rules for Lawyer Disciplinary Enforcement (2002), the Office of Disciplinary Counsel for the State of Montana ("ODC"), hereby petitions the Court as follows:

1. Marvin E. Alback, hereinafter referred to as Respondent, was admitted to the practice of law in the State of Montana in 1982. Respondent was disbarred by the Montana Supreme Court by Order dated February 4, 1988 after he was

1 convicted of felony theft. Respondent was reinstated to the practice of law in
2 Montana by the Montana Supreme Court by Order dated August 15, 2000.

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4 2. Respondent resigned his membership in the State Bar of Montana on
5 November 6, 2009.

6 3. The Clerk of United States District Court for the District of Montana has
7 provided ODC with a certified copy of the Court's May 28, 2010 Judgment in a
8 Criminal Case in *USA v. Alback*, Case No. CR-10-18-BLG-RFC-01. The certified
9 copy of the Judgment is attached hereto as Exhibit A.

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11 4. Respondent pled guilty to Count 1 of an Information, Wire Fraud in
12 violation of 18 U.S.C. § 1343, and to Count 2, Bankruptcy Fraud in violation of 18
13 U.S.C. § 153. On May 26, 2010, he was sentenced to the custody of the United
14 States Bureau of Prisons for eighteen (18) months on Count 1 and eighteen (18)
15 months on Count 2 to run concurrent. Respondent was also sentenced to three (3)
16 years of supervised release on Count 1 and three (3) years of supervised release on
17 Count 2 to run concurrent and is required to pay restitution.
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20 5. The conduct for which Respondent was convicted occurred prior to his
21 resignation.

22 WHEREFORE, the Office of Disciplinary Counsel prays as follows:
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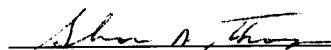
- 24 1. That, pursuant to Rule 23 of the Rules for Lawyer Disciplinary
25 Enforcement (2002), the Court determine whether the criminal

1 offenses of which Respondent has been convicted affect the
2 Respondent's ability to practice law;

3
4 2. If the Court determines that the convictions affect the Respondent's
5 ability to practice law, that the Court, pursuant to Rule 23B, issue an
6 order immediately suspending the lawyer from the practice of law
7 pending final disposition of a disciplinary proceeding predicated upon
8 the conviction and direct Disciplinary Counsel to prepare and file a
9 formal complaint against the Respondent predicated upon the
10 convictions, and,
11

12 3. For such other and further relief deemed necessary and proper.

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14 RESPECTFULLY SUBMITTED this 24th day of June, 2010.

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17 Shaun R. Thompson
18 Disciplinary Counsel
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